

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ABINGDON DIVISION

CLERK'S OFFICE  
U.S. DISTRICT COURT  
AT ROANOKE, VA  
FILED  
July 28, 2025  
LAURA A. AUSTIN, CLERK  
BY: s/ M.Poff, Deputy Clerk

UNITED STATES OF AMERICA, :  
Respondent :  
v. : Crim No. 2:23-CR-00009-MFU-PMS-1  
RODNEY ALLEN PICKETT :  
Movant :  
:

MOTION TO VACATE, SET ASIDE OR CORRECT SENTENCE UNDER 28 U.S.C. §2255

I. INTRODUCTION

NOW COMES Movant, Rodney Allen Pickett, acting pro se, and respectfully moves this Honorable Court to vacate, set aside, or correct the sentence imposed in the above-captioned case pursuant to 28 U.S.C. §2255, on the grounds that his conviction and sentence were imposed in violation of the laws and Constitution of the United States of America. On February 16, 2024, Movant pled not guilty to the charges he was convicted of: 21 U.S.C. §846(c),(d),(f); 21 U.S.C. §841(a)(1),(b)(1)(C), 18U.S.C. §922(g)(1), §924(a)(8), (c)(1)(A)(ii), (c)(1)(B)(ii), 26U.S.C. §5861(i), §5845(a), §5871, possession and distribution of methamphetamine (5 grams or more, 500 grams or more); Felon in possession of a firearm; possession of an unregistered firearm. Movant was sentenced by this Honorable Court to 240 months on July 16, 2024. In support, Movant states the following:

II. GROUND FOR RELIEF

GROUND ONE: Violation of the Speedy Trial Act (18 U.S.C. §3161)

Movant's statutory rights under the Speedy Trial Act ("STA") and Sixth Amendment were violated. The STA mandates that a trial must begin within 70 days of the defendant's initial appearance or indictment, whichever is

later. See: 18 U.S.C. §3161(c)(1).

In this case, Movant's initial appearance was April 24, 2023. Trial was then scheduled for July 18, 2023 - 85 days after the initial appearance, which is 15 days beyond the 70-day limit.

No motions were pending, nor time excluded under any provision of 18 U.S.C. §3161(h). On July 25, 2023, the Court reset the trial for February 14, 2024, extending the delay by another 204 days (totalling 300 days from the initial appearance).

The Court made no findings on the record justifying the delay, nor did defense counsel object or move for dismissal under §3162(a)(2). The continuance issued was open ended and was not signed by the judge. The Government provided no affidavit or medical records as evidence for the purported maternity leave of their material witness, nor was any effort made to secure an alternate witness.

GROUND TWO: Failure to develop an adequate defense

Movant's counsel failed to develop a defense of any kind, including an alibi defense. Counsel failed to obtain exculpatory evidence such as full videos of the controlled buys, surveillance videos from Movant's residence, subpoenas for friendly witnesses, forensic testing of evidence found at Movant's residence, contesting the search warrant and filing a motion for sanctions for spoliation of evidence with lost video footage.

GROUND THREE: Denial of Conflict Free Counsel

The court appointed Donald Williams as Movant's counsel on October 12, 2023. Williams withdrew as counsel for Movant on November 28, 2023, which

prejudiced Movant's defense for 6-weeks.

Movant did not raise any of the above grounds in his direct appeal to the The Fourth Circuit Court of Appeals.

III. REPRESENTATION HISTORY

Movant was represented by the following attorneys:

At the preliminary hearing and arraignment:

Jay Steele (April 24, 2023-June 14, 2023)

P.O. Box 2577

Lebanon, VA 24266 Bledsoe

P.O. Box 657

Big Stone Gap, VA 24219

Prior to Voir Dire/trial:

John Edward Jessee (June 16, 2023-September 20, 2023)

Jessee, Read & Howard, P.C.

200 Valley Street NW

Abingdon, VA 24212

Donald M. Williams, Jr. (October 12-November 24, 2023)

Williams Law Office, PLC

P.O. Box 601

Pennington Gap, VA 24277

Trial and Sentencing:

Charles Lee Bledsoe

Bledso Law Office PC

P.O. Box 657

Big Stone Gap, VA 24219

Direct Appeal:

Dana R. Cormier, P.C.

103 East Beverly Street, Suite C

P.O. Box 85

Staunton, VA 24402-0085

Movant does not have any future sentence to serve after completing the sentence for the judgment now being challenged.

IV. AEDPA TIMELINESS

Movant's judgment of conviction became final on May 20, 2025, making his pleading under 28 U.S.C. §2255 timely, pursuant to 28 U.S.C. §2244, the Anti-Terrorism Effective Death Penalty Act (AEDPA).

V. RELIEF REQUESTED

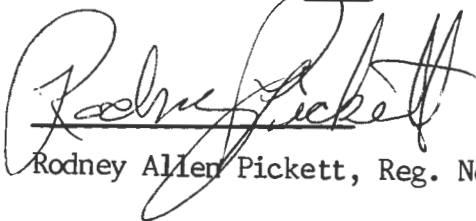
Movant respectfully requests this Honorable Court:

1. Vacate his conviction and sentence
2. Dismiss the indictment, with prejudice
3. Order an evidentiary hearing to fully address these violations

VI. VERIFICATION

I declare, under penalty of perjury, pursuant to 28 U.S.C. §1746, that the foregoing is true and correct.

Executed on this 25 day of July, 2025



Rodney Allen Pickett, Reg. No. 55418-510

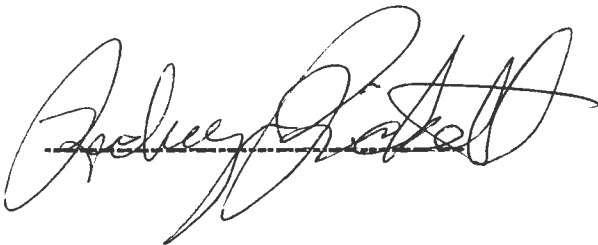
CERTIFICATE OF SERVICE

I hereby certify that I have caused a true and correct copy of the Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. §2255 to be served via First Class U.S. Mail utilizing the prison legal mail system at FCI Fort Dix, and thus invoking the Prison Mailbox Rule of Houston v. Lack, 487 U.S. 266 (1988), to the following party:

Clerk of Court  
Federal Building  
180 West Main Street  
Room 104  
Abingdon, VA 24210

I further certify that service to all registered CM/ECF users including the AUSA is accomplished through CM/ECF notification when documents are scanned and entered into the ECF system.

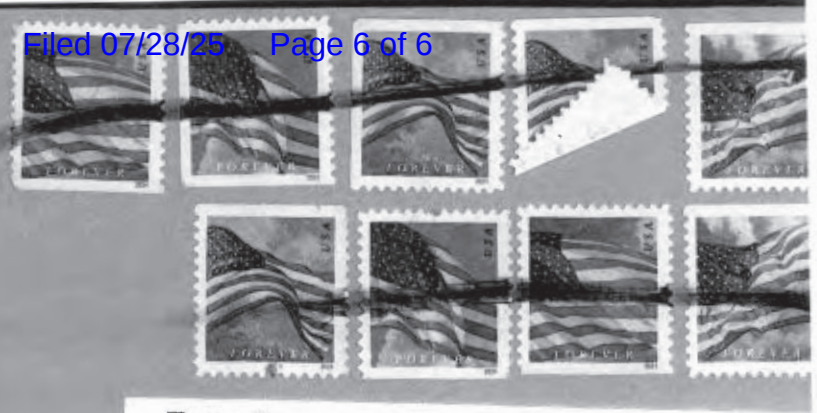
On this 25 day of July, 2025.

A handwritten signature in black ink, appearing to read "Anthony G. Kelly", written over a horizontal dashed line.

FCI Fort Dix  
P.O. Box 2000  
Joint Base MDL, NJ 08640

Rodney Pickett, Reg. No. 55418-510  
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PO Box 2000  
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